

1
2
3
4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 ROBERT HEARD,

8 Plaintiff,

9 v.

10 JAMES ROBART,

11 Defendant.

Case No. C18-0261RSL

CERTIFICATION

12
13 On April 12, 2018, the above-captioned matter was dismissed because the defendant is
14 absolutely immune from liability exposure to litigation for acts done in the exercise of his
15 judicial functions. Plaintiff has now appealed the dismissal. This matter is again before the
16 Court to determine whether *in forma pauperis* status should continue through the appeal.

17 Pursuant to 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken *in forma pauperis* if
18 the trial court certifies in writing that it is not taken in good faith.” For purposes of this statute,
19 “good faith” is generally established “by the presentation of any issue that is not plainly
20 frivolous.” Ellis v. United States, 356 U.S. 674 (1958). Having reviewed the complaint and other
21 documents of record, the Court finds that plaintiff’s claims are frivolous and this appeal is not
22 taken in good faith.

23
24 Dated this 2nd day of May, 2018.

25 

26 Robert S. Lasnik
United States District Judge

CERTIFICATION